

Issued September 23, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1041.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF PISTACHIO EXTRACT.

In March, 1911, the United States Attorney for the Eastern District of Missouri, acting upon the report by the Secretary of Agriculture, filed information in the District Court of the United States against the Western Candy & Bakers Supply Co., a corporation, St. Louis, Mo., charging shipment by them, in violation of the Food and Drugs Act, on or about October 19, 1909, from the State of Missouri into the State of Illinois, of "Extract Pistachio," which was adulterated and misbranded. The label on the bottle was as follows: "Ex. Pistachio Western Candy and Bakers Supply Co. Largest supply house in the West. Importers and manufacturers of essential oils and extracts. 109-11-13 S. 11. St. St. Louis, Mo."

Analysis by the Bureau of Chemistry of this Department showed the following results:

Specific gravity at 15.5°	0.9257
Alcohol, per cent by volume	55.4
Methyl alcohol	Absent.
Solids, gms. per 100 cc	1.22
Ash, gms. per 100 cc	0.04
Alkalinity of ash, cc. N/10 HCl per 100 gms	5.0
Phosphoric acid in ash	Trace.
Potash in ash	Trace.
Oxidation in alkaline solution with hydrogen peroxid yielded benzoic acid.	

Coloring matter: Green coal tar; not identified.

Organoleptic tests indicate benzaldehyde and essential oils.

Adulteration was, therefore, charged, in that an artificially flavored and colored substance, not a flavor or extract of pistachio, had been mixed and packed with the product so as to reduce, lower, and injuriously affect its quality and strength, and in that said arti-

ficially flavored and colored substance had been substituted wholly or in part for the product; and further, in that an artificially colored and flavored matter had been mixed with said product in a manner whereby its inferiority was concealed. Misbranding was charged, in that the label "Ex. Pistachio" was false and misleading because the product was not a true extract of pistachio, but an artificially flavored and colored preparation, and the label therefore was calculated to deceive and mislead the purchaser.

On April 14, 1911, the defendant pleaded guilty and was fined \$10 on each count, and costs, totaling \$20 and costs, which was paid.

JAMES WILSON,
Secretary of Agriculture.

WASHINGTON, D. C., *August 4, 1911.*

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